

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

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Benjamin Mostaed, on behalf of himself and all others :
similarly situated, :
Plaintiff, :
vs. : No. 3:11-CV-079-REP
James B. Crawford, Robert H. Foglesong, Richard M. :
Gabrys, Robert B. Holland, Bobby R. Inman, Dan R. :
Moore, Baxter F. Phillips, Jr., Stanley C. Suboleski, Linda :
J. Welty, Massey Energy Company, and Alpha Natural :
Resources, Inc., :
Defendants. :
----- X

DECLARATION OF ROBERT M. ROLFE

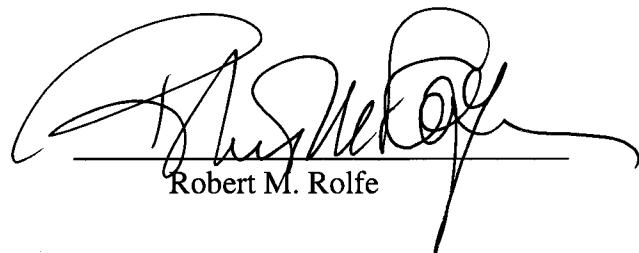
ROBERT M. ROLFE, under penalty of perjury pursuant to 28 U.S.C. §1746, hereby declares as follows:

1. I am an attorney admitted to practice before the courts of the Commonwealth of Virginia and the State of New York, and am admitted to practice in this Court.
2. I represent Alpha Natural Resources, Inc. in this action, as well as in two other actions pending in this Court making identical allegations, *Perkins v. Crawford, et al.*, No. 3:11-CV-082-REP, and *Mandel v. Crawford, et al.*, No. 3:11-CV-120-REP. In both the *Perkins* and *Mandel* actions, Defendants filed a motion to stay identical to the motion Defendants filed in this case.

3. On March 22, 2011, Jamie McKey, of the Kendall Law Group, LLP, who appears as counsel for *Mandel* on the Complaint in that action, advised me that Mandel does not oppose Defendants' motion to stay and would not be filing any response to the motion.
4. To the best of my knowledge, Mandel has filed no response to Defendants' motion to stay, thereby confirming Mandel's lack of opposition to the requested stay.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Dated: Richmond, Virginia
March 28, 2011



A handwritten signature in black ink, appearing to read "R. M. Rolfe". Below the signature, the name "Robert M. Rolfe" is printed in a smaller, sans-serif font.